

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO.16877 OF 2005

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Dated 2nd August 2005

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Between:

S.Bhupathi S/o.C.G.Subrahmanyam, aged 34 years,
Occu:Cultivation, R/o.Kuppam, Chittoor District.

...Petitioner

And

Tirupathi Ganganamma Devasthanam, Netaji Road,
Kuppam, Chittoor District, rep. By its Trustees,
and 4 others.

...Respondents

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ORDER:

The petitioner claims that his ancestors have gifted an extent of Ac.0-50 cents of land, in Sy.No.146/1 of Kuppam village, to an association, for the specific purpose of constructing a boys hostel. He states that at various points of time, attempts were made either to assign the land to third parties, or to bring about constructions by different agencies. He claims to have intervened, at every stage, and prevented such steps. The present grievance of the petitioner is that the first respondent temple is

proceeding to construct a shopping complex over the land. He pleads that the land does not vest in the first respondent, and that they are not entitled to undertake any construction therein, and seeks necessary relief in this regard.

Heard Sri Dammalapati Srinivas, learned counsel for the petitioner, Sri K.Venugopala Rao, learned Standing Counsel for first respondent, learned Government Pleader for Endowments for respondents 2 and 3, and Sri K.Upender Reddy, learned counsel for the 5th respondent.

There is a serious dispute, as to the ownership of the land in question. Basically, once the land is gifted, the petitioner does not have any vested interest in it. Its original owner has to ensure that the land is put to use, for which it was gifted. The nature of rights held by the first respondent or the 5th respondent, are neither pleaded, nor evident from record.

The petitioner mainly claims the relief, against the first respondent and the officials of the Endowments Department. The question as to whether a particular property belongs to Endowments, or not, can effectively be decided, under Section 87 of The Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short "the Act"), by the concerned Deputy Commissioner. Such adjudication will not only be effective, but also would bring about finality, to such claims. An appeal is provided to the regular Civil Court, against such judgment. The petitioner can avail such remedy, and put an end to this controversy.

Hence, the writ petition is disposed of, leaving it open to the petitioner, to approach the Deputy Commissioner of Endowments, Kurnool, with an application under Section 87 of the Act, as well as for interim orders, within one week from today. Status quo, obtaining as on today, shall be maintained by the parties, for a period of two weeks. There shall be no order as to costs.

2nd August 2005

(B/o)

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